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century ago that his remarkable study of the Holy Roman Empire gave him a place in the front rank among historical scholars. Since that time he has been a member of parliament and cabinets, an ambassador from Great Britain to the United States, a lecturer at various universities, and a writer of books on many themes. Now, at an age when most men have ceased to remain immersed in literary work, he gives us this comprehensive survey of twentieth-century democracy in its principles and its actual results. It is an amazing achievement, even for a man of Lord Bryce's alert mentality.

This treatise on MODERN DEMOCRACIES is divided into three unequal parts. The first, extending over one hundred and sixty pages, sets forth the principles which underlie all types of democracy, and makes clear the true relation which exists between such things as democracy and education, democracy and religion, democracy and the press. It includes a striking chapter on "Traditions" and their influence upon the course of actual government, a chapter which shows Bryce at his very best. Then follows a comprehensive description of the way in which democratic government actually functions in France, Switzerland, the United States, and the British self-governing colonies. This exposition of democracy in its present-day workings forms the backbone of the whole work and occupies more than seven hundred pages. In view of the broad field which the author endeavors to survey, however, the description becomes rather sketchy in spots. This is particularly true of the chapters on the United States where the task of compressing so many things into relatively small compass gives the whole narrative the air of a text-book. Finally, there is a substantial and exceedingly interesting discussion of what democracy has really achieved and what its future is likely to be.

It is no disparagement of the other portions of Lord Bryce's book to say that these last chapters are by all odds the best. They are quite up to the standard set by the author in his AMERICAN COMMONWEALTH thirty-odd years ago; and when one says this he bestows no modest praise. There is the same deftness in winnowing the essentials from the details, the same trenchant exposure of shibboleths and shams, the same fertility in suggestion, and the same facility in the use of the English language. It is hard to imagine anything more timely, in these unsettled days, than Lord Bryce's vigorous argument that, with all its faults and imperfections, Democracy remains the one form of government which gives the better tendencies of human nature their fullest scope. At fourscore-and-three Lord Bryce has not abated, to the extent of a single iota, his faith in popular government. A peer of the realm, he remains an unconquered democrat. His book, by the way, is very appropriately dedicated to "his friend and fellow-worker," President Lowell.

WILLIAM BENNETT MUNRO.

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OUTLINES OF LECTURES ON JURISPRUDENCE. By Roscoe Pound. Third edition. Cambridge: Published by the author. 1920. pp. iv, 136.

This is not yet the completed treatise on jurisprudence for which Dean Pound's lengthening list of fore-studies during the last two decades has led the whole world of legal scholarship eagerly to hope. But these OUTLINES, which Mr. Pound has prepared for the use of his classes in jurisprudence, are in this new edition, the third, so greatly enlarged as to constitute them practically a new book, and one which, even in its present form, will be of value to a far wider field than the classroom.

The OUTLINES begin with a fully documented treatment of the nature of jurisprudence and its historical development as a field of human thought. The end, the nature, the scope and subject-matter of law are successively considered; and then its sources, forms, and methods of growth. A particularly sug-

gestive section is devoted to the application and enforcement of law. The two closing divisions deal respectively with an analysis of fundamental legal conceptions and with the system of law. These divisions strike one as less fully developed than earlier ones. The material, unfortunately, does not lend itself to adequate representation by the outline form nor does the collection of material—largely definitions—for discussion do justice to the penetrating yet practical criticism which characterizes Mr. Pound's classroom development of these topics, one of which has been in recent times much in the arena of juristic logomachy in this country.

The author's object of furnishing material for class study and discussion accounts for the general schematic form of the book, and also for the diversity of methods used in developing its different sections. Some sections—for example, Section I, What is Jurisprudence?—consist of careful and detailed references to the literature of the topic, arranged under Mr. Pound's own illuminating classification of the material. In other sections the development is by carefully collated excerpts from representative authorities. An example is furnished by Section IV, Theories of Law. In still other sections an outline analysis directs the discussion, as well as provides material for it. The analysis is in some cases supported by references to the literature, including treatises, articles, and reports of judicial decisions. In others this equipment is lacking. An excellent example of the fullness, range, and varied character of the references is found in Section IX, Interests, and especially in those subsections dealing with such modern and growing subjects as the Conservation of Social Resources.

Accurately as the word *Outlines* denotes the form of the book, the unfortunate connotations of the term quite belie the impression an examination of the book will leave, at any rate upon a teacher. So suggestive is the arrangement of the material, so helpful the interspersed brief comment, so inviting the lists of titles of books, reported cases, and articles drawn not only from legal periodicals but from journals of philosophy, political, social, and economic science, from private pamphlets and government publications, that they can scarcely fail to stimulate in any student a desire to do the suggested work and construct his own theory of law in the light of the reflections the reading would evoke. Doubtless this is the aim Dean Pound had in mind in the course for which this book furnishes the syllabus.

"Sociological jurists," he says, and here he speaks with acknowledged authority, "insist that account must be taken of all the social sciences." The reluctance of students who have had the typical law school training to venture afield into this vast domain from the beaten paths of the reports, is in part due to the very vastness of the area, and in part to the recollection of an inevitably large proportion of fruitless expeditions made without a guide. Here, however, the winnowed results of years of reading, by a student of exceptional equipment both of learning and discernment, are made available. Few juristic thinkers are so widely read as Mr. Pound. Few even among these have the invaluable knowledge not only of the "law in books" but also of "the law in action," to use one of his own happy phrases, which serves as a check on that mere theorizing which has given jurisprudence its unhappy olfactory reputation.

It is clear that the book is one for students, and for students of some maturity of mind and of proper informational equipment. In discussing the materials for analytic jurisprudence Mr. Pound says (page 18), "It is assumed that the student has a dogmatic knowledge of Anglo-American law." This, or a similar knowledge of the civil law, is an indispensable pre-requisite for profitable study of jurisprudence, analytic or otherwise.

It seems safe to predict that no properly prepared student who does the reading and the thinking required by these OUTLINES will fail to recognize that

the point of view which the author maintains, however unobtrusively, throughout the book, the one he styles sociological is the one most likely to be fertile in practical results, in adapting existing legal rules and principles to the constantly changing social situation.

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THE COMMON LAW OF ENGLAND. By W. Blake Odgers and Walter Blake Odgers. Second Edition. London: Sweet and Maxwell, Limited. (Toronto: The Carswell Co., Ltd.). 1920. 2 vols. pp. xcvi, 1584.

The title of this treatise is somewhat misleading; for it is an exposition of the present statute law of England fully as much as of the common law. But the title is derived from Broom's Commentaries on the Common Law, the tenth edition of which is the first edition of the present treatise. In the present treatise the reference to Broom's Commentaries is abandoned, as well it may be; for although the second edition differs little from the first edition, yet that was largely the original work of its authors. The authors show a preference for law in the statutory form; indeed the treatise ends with a plea for Codification as a sure means of making the law "clear and intelligible and readily accessible to all" (p. 1467). Those parts of the work which deal with statutes are indeed the best, particularly those relating to the adjective law and the law as to criminal offenses.

What we have, then, is a summary of the present law of England. From the practitioner's point of view, the book is necessarily too general to be of great value. From the point of view of students of the law, it does not sufficiently discuss the fundamental principles which must serve as an introduction to any real knowledge of the law. If a lawyer or student wishes to ascertain in a general way the English law on some point not too intricate or involved, he will often find the answer in this book. The fact that a second edition has been called for after an interval of ten years shows that the book has its uses. But certainly it is not as useful as Mr. Odgers' works on Pleading and on Slander and Libel.

A. W. S.

A TREATISE ON INTERNATIONAL LAW, WITH AN INTRODUCTORY ESSAY ON THE DEFINITION AND NATURE OF THE LAWS OF HUMAN CONDUCT. By Roland R. Foulke. Philadelphia: The John C. Winston Co. 1920. 2 vols. pp. lxxxviii, 482; lxxxviii, 518.

It was one of the wise observations of John Chipman Gray that "a loose vocabulary is the fruitful mother of evils." Mr. Foulke's notable work on the law of perpetuities and future interests seems to have led him to share Mr. Gray's dissatisfaction with a jurisprudence "encysted in phrases," and this treatise represents an attempt to clear away some misconceptions and confusions which such a jurisprudence has produced in international law. The field has long stood in need of such a fresh approach. The cumulation of expressions which baffle analysis and becloud understanding has proceeded in most fields of law with too little challenge, and in international law few attempts have been made to resist it. Constant clarification seems essential to keeping law serviceable to practical life in a world where human beings refuse to range their activities around legal categories and conceptions. Any serious attempt to revise the "old outfit of ideas, discriminations and phrases," as James Bradley Thayer termed it, is to be welcomed. The struggle between law and logomachy must be fought by each generation for itself.